

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested.

Claims 1-5, 15 and 17-22 stand rejected under 35 USC 112, first paragraph as being non-enabling for the reasons given in the Office actions mailed 4/4/03, 11/26/03, and 8/13/04. Also, the Examiner states that phrases such as “extending downwardly” and the “raised portion” are not further defined as to how the elements are related to each other.

.Notwithstanding Applicants’ belief that the previous versions of the claims have fully complied with 35 USC 112, first paragraph, Applicants have again amended Claim 1 in the interest of expediting this lengthy prosecution. It is believed that this amendment to Claim 1 fully addresses all of the issues raised by the Examiner and therefore that the claims fully comply with 35 USC 112, first paragraph. It is further submitted that that this amendment merely makes explicit what the claim had previously recited implicitly and, therefore, the amendment does not constitute a change made for patentability purposes.

Claims 1,2,4,15, and 17-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond et al. ('237) in view of Knize ('388), further in view of Creegan ('765) and Shepard ('080), further in view of Wilkinson et al. ('933), Malmquist ('239), Jones ('867), Pettit et al. ('140) and Rayzal ('279) for the reasons given in the Office actions mailed 11/26/03 and 8/13/04 and 12/19/05.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Saunders ('774) for the reasons given in the Office action mailed 4/4/03.

Applicants respectfully traverse these rejections.

In Diamond et al. the concavity of the top end extends downwardly and inwardly **from an upper chime at the side wall**. In contrast, the container specified in claim 1 has a concavity, which is adjacent to and inward of the raised portion which, in turn, is defined inwardly and **spaced from the side walls or chime portion of the container**. Thus, the concavity does not extend from the chime as in Diamond et al. But instead extends from the inwardly formed raised portions.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly patentable over Diamond et al.

Knize, Creegan and Shepard teach nothing about a concavity in the top or any other location and, therefore it is clear that claim 1 is patentable over the combination of Diamond et al., Knize, Creegan and Shepard.

Claims 2, 15 and 17-22 are dependent either directly or indirectly from claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of the features set forth in these claims with the features set forth in the claims from which they depend.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Saunders ('774) for the reasons given in the Office action mailed 4/4/03. Applicants respectfully traverse this rejection.

Claims 3 and 5 are dependent indirectly from claim 1. Since Saunders does not cure any of the deficiencies of claim 1 noted above, it is respectfully submitted that claims 3 and 5 are therefore patentable over the combination of Diamond et al. and Saunders for the same reasons advanced above in connection with claim 1 as well as because of the combination of the features set forth in these claims with the features set forth in claim 1.

Claims 1 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Diamond et al ('237). As noted above, in Diamond et al. the concavity of the top end extends downwardly and inwardly **from an upper chime at the side wall**. In contrast, the container specified in claim 1 has a concavity, which is adjacent to and inward of the raised portion which, in turn, is defined inwardly and **spaced from the side walls or chime portion of the container**. Thus, the concavity does not extend from the chime as in Diamond et al. But instead extends from the inwardly formed raised portions.

In view of the foregoing, this application is now believed to be allowable, which action is respectfully requested.

Respectfully submitted,



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